

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JELISA SIMMONS, Plaintiff, vs. MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY, ET AL., Defendants.	2:23-CV-10448-TGB-DRG ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE
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This complaint and an application to proceed without prepaying fees or costs was filed on February 22, 2023. ECF Nos. 1, 2. Plaintiff also filed a notice indicating that, if her request to proceed in forma pauperis were approved, she would waive any right to have the complaint served on the Defendants by the United States Marshal, and would take responsibility for effecting service of the complaint on the Defendants. ECF No. 3.

The Court granted the application to proceed without prepaying fees and costs on July 17, 2023. ECF No. 6. On the same day, the Court ordered Simmons to complete and present three service documents (copies of the complaint, USM-285 U.S. Marshals Process Receipt and Return forms, and summonses) to the Clerk's Office so that the U.S.

Marshal could serve process on the Defendants and the case could proceed. ECF No. 7. Simmons did not do so, and apparently took no action of any kind to serve the complaint on the Defendants.

Because no action by either party has taken place in this case, on November 6, 2023, pursuant to Local Rule 41.2, the Court ordered Plaintiff to show cause, in writing, why the case should not be dismissed for failure to prosecute or to complete and present the required service documents at the Clerk's Office within two weeks. ECF No. 8. A copy of the Court's Order was mailed to Plaintiff's address, but Plaintiff has not responded in any way, and the mailed copy was returned as undeliverable. ECF No. 9.

As part of its inherent authority to manage its docket, the Court has the power to dismiss a complaint *sua sponte* for failure to prosecute. Fed. R. Civ. P. 41(b); *Knoll v. American Tel. & Tel. Co.*, 176 F.3d 359, 363 (6th Cir. 1999).

Accordingly, it is **ORDERED** that the above-captioned case shall be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

Dated: December 5, 2023

/s/Terrence G. Berg

HON. TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE